

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE  
IN AND FOR  NEW CASTLE  KENT  SUSSEX COUNTY**

In the Matter of:

C.M.# \_\_\_\_\_

\_\_\_\_\_  
AN ALLEGED DISABLED PERSON

**PRELIMINARY ORDER**

**AND NOW, TO WIT**, on this date \_\_\_\_\_, the Petition for the Appointment of a Guardian of (check all that applies):  the Person and/or  the Property of \_\_\_\_\_ hereinafter called "alleged disabled person", filed in this matter having been read and duly considered by the Court,

alleged disabled person's name

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A Hearing shall be held at the Court of Chancery in \_\_\_\_\_  
county in which the case will be determined  
County, Delaware on Friday, \_\_\_\_\_, 20\_\_\_\_ at 9:30 a.m. to  
leave blank leave blank  
determine if the Petitioner should be appointed the Guardian of the Person and/or  
Property of the alleged disabled person.
  
2. \_\_\_\_\_, Esquire is appointed attorney *ad litem* for  
leave blank  
the alleged disabled person.

3. The Court shall issue notice to the attorney *ad litem* for the alleged disabled person **at least ten (10) days before** the Hearing date pursuant to Chancery Court Rule 176(c) unless the appointed attorney *ad litem* files a Waiver of Service upon notification of the appointment.
4. The attorney *ad litem* shall give actual notice of the Petition to the alleged disabled person pursuant to Chancery Court Rule 176(a) unless the Physician's Affidavit says it **would be** detrimental or meaningless to give notice.
5. The attorney *ad litem* shall file a report with the Court **before noon** on this date \_\_\_\_\_  
leave blank.
6. Pursuant to the preparation of the report referenced in paragraph “5” of this Order:
  - a. All physicians, hospitals and other healthcare providers covered under the Privacy Standards of the Health Insurance Portability and Accountability Act (HIPPA) are authorized to disclose to the attorney *ad litem* and shall provide the attorney *ad litem* unobstructed access to all medical records, treatment providers, clinical information and other healthcare information relating to the current mental and physical health of the Disabled Person [See 45 CFR sec.164.512(e)] that the attorney *ad litem* deems necessary for the proper discharge of his/her duties.
  - b. All said physicians, hospitals and other healthcare providers grant said access described in paragraph “6a” of this Order to the attorney *ad litem* without delay;

- c. The attorney *ad litem* and the said physicians, hospitals and other healthcare providers are prohibited from using or disclosing the disabled person's health information for any purpose other than this Guardianship proceeding.
- d. The attorney *ad litem* shall return to the physician(s), hospital(s), and other healthcare provider(s) or shall destroy all of the health information provided to the attorney *ad litem* by the physician(s), hospital(s), or healthcare provider(s) (including all copies made) at the end of these Guardianship proceedings.
7. **At least ten (10) days before** the Hearing date, Petitioner must send notice by **certified mail, return receipt requested**, to **each** next of kin of the alleged disabled person who did **not** file a Waiver of Notice and Consent. Notice must state the time, place and purpose of the Hearing.
8. Petitioner must file at the Register in Chancery Office all **certified receipts** from the notice(s) mailed to the next of kin **no later than the Wednesday before** the Hearing date.

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(Vice) Chancellor or Master